



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,541	11/02/2000	Helmut Moechwald	48998	8978

7590 06/19/2002

Keil & Weinkauff
1101 Connecticut Avenue NW
Washington, DC 20036

EXAMINER

WEINER, LAURA S

ART UNIT	PAPER NUMBER
----------	--------------

1745

DATE MAILED: 06/19/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/674,541

Applicant(s)

MOEHWALD ET AL.

Examiner

Laura S Weiner

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Art Unit: 1745

DETAILED ACTION

Response to Amendment

1. Examiner acknowledges the cancellation of claims 1-13 and addition of claims 14-29 cited in Amendment A dated 11-2-00. Claims 14-29 have been examined on their merits.

Claim Rejections - 35 USC § 112

2. Claims 14-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 is rejected because it is unclear what is meant by “of a pigment (I) ... which is a solid Ia or a compound Ib...or a compound Ic ... or a mixture of the solid Ia with the compound Ib or the compound Ic”. It is unclear how a pigment material can act as a cathode or anode material. There is no antecedent basis for “as part of the chain, at end(s) of the chain and/or laterally on the chain”. The whole claim is unclear, vague and indefinite.

Claim 15 is rejected because the list does not describe “pigments”. Also, there is too many periods and this makes the claim vague. It is unclear what is meant by “wherein the pigment I is a solid Ia”. It is unclear what is being claimed because of the phrase “selected from the group consisting of an inorganic solid selected from the group consisting of ...; and a solids dispersion comprising such a polymer; and a mixture of two or more thereof.”

Art Unit: 1745

Claim 16 is rejected because the list does not describe "pigments" and it is unclear what is meant by "wherein the pigment I is a compound Ib". It is unclear what x and y is for LiNixCoyO2. The "X" and "Y" needs to be changed to "x" and "y" in the first formula, 5 lines up from the bottom of the claim. It is unclear what "x" and "n" is defined as in "-[C(Sx)]n-". It is unclear what is meant by "a mixture of a compound Ib with the solid Ia". There is no antecedent basis for III in the phrase "of components I to III".

Claim 17 is rejected because the list does not describe "pigments" and it is unclear what is meant by "wherein the pigment I is a compound Ic". It is unclear what "x" is defined as in "LixM". It is unclear what is being claimed because of the phrase "selected from the group consisting of lithium...and a mixture of two or more thereof and a mixture of the compound Ic with the solid Ia". There is no antecedent basis for III in the phrase "of components I to III".

Claim 22 is rejected because the second time referring back to claim 14 needs to be deleted. This makes the claim vague and indefinite.

Claims 23-24 are rejected because it is unclear what is meant by "a solid electrolyte, a separator or an electrode or in a sensor, ...or and ion-conducting film. These claims also are rejected because is unclear how the composition can be used to produce a solid electrolyte, a separator or an ion-conducting film because claim 14 is claiming a composition for an anode or a cathode.

Art Unit: 1745

Claims 25-26 are rejected because it is unclear how the composition can be used to produce a solid electrolyte, a separator or an ion-conducting film because claim 14 is claiming a composition for an anode or a cathode. Therefore claims 27-28 are also rejected when the electrochemical cell comprises the solid electrolyte or separator.

Claim 29 is rejected because it is unclear how claim 14 can be used as a crosslinker system.

3. Claims 23-24 provides for the use of a composition or composite, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

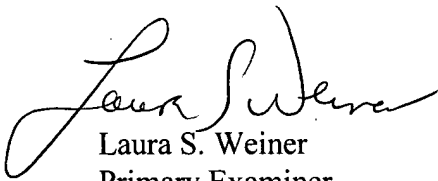
Claims 23-24 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Weiner whose telephone number is (703) 308-4396. The examiner works a flexible schedule.

Art Unit: 1745

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan, can be reached at (703) 308-2383. The fax phone number for non-after finals is 703-872-9310 and the fax phone number for after-finals is 703-872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in cursive script, appearing to read "Laura S. Weiner".

Laura S. Weiner
Primary Examiner
Art Unit 1745
June 17, 2002